



Utility Patent  
Ser. No. 10/611,821

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tsengas, Steve ) Date: October 13, 2004  
Serial No.: 10/611,821 ) Group Art Unit: 3643  
Filed: 07/01/2003 ) Examiner: Andrea Valenti  
Title: Nutrient and Anti-microbial )  
Agent Delivery Method )

**Certificate of Mailing**

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Adjustment date: 11/16/2004 DBATES  
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**RESPONSE / AMENDMENT**

Hon. Commissioner of Patents and Trademarks  
Alexandria, VA 22313-1450

Dear Sir:

In response to the communication from the Examiner dated 09/27/2004, please accept the following response:

10/19/2004 YPOLITE1 00000024 072380 10611821  
01 FC:2202 9.00 DA

Utility Patent  
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pertinent art to combine the present claimed and disclosed combination of elements. To reject the present application as a combination of old elements leads to an improper analysis of the claimed invention by its parts, and instead of by its whole as required by statute. Custom Accessories Inc. v. Jeffery-Allan Industries, Inc., 807 F.2d 955, 1 USPQ 2d 1197 (Fed. Cir. 1986); In re Wright, 848 F.2d 1216, 6 USPQ 2d 1959 (Fed. Cir. 1988).

Therefore, in view of foregoing amendments and clarifications, the applicant submits that allowance of the present application and all remaining claims, as amended, is in order and a formal Notice of Allowance is respectfully requested at the earliest possible date.

Respectfully submitted,



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## AMENDMENT TRANSMITTAL LETTER (Small Entity)

Applicant(s): Steve Tsengas

Docket No.

1024

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/611821	07/01/2003	Andrea Valenti	33055	3643	3013

Invention: Nutrient and Anti-microbial Agent Delivery Method

COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.



Applicant claims small entity status. See 37 CFR 1.27

The fee has been calculated and is transmitted as shown below.

## CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	21 -	20 =	1 x	\$9.00	\$9.00
INDEP. CLAIMS	3 -	3 =	0 x	\$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$9.00

No additional fee is required for amendment.  
 Please charge Deposit Account No. 07-2380 in the amount of \$9.00  
 A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.  
 The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 07-2380  
 Any additional filing fees required under 37 C.F.R. 1.16.  
 Any patent application processing fees under 37 CFR 1.17.  
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**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Dated:

Signature

John D. Gugliotta  
Reg. No. 36538  
137 S. Main Street, #202  
Akron, OH 44308

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